

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Breuer, Inc.,

Complainant,

vs.

Del Oro Water Company, Inc.,

Defendant.

Case 02-05-035
(Filed May 9, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
AND NOTICE OF PREHEARING CONFERENCE**

NOTICE IS HEREBY GIVEN that the Public Utilities Commission of the State of California has set a prehearing conference (PHC) in the above-entitled matter before Administrative Law Judge (ALJ) Kathleen C. Maloney, for Friday, October 4, 2002 at 10 a.m., in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

A PHC is called to determine the parties, positions of the parties, issues, and other procedural matters. In accordance with Pub. Util. Code § 1701.2(d), the Commission must resolve adjudication cases such as this complaint within twelve months of initiation. The parties are directed to meet and confer prior to the PHC to explore settlement of the complaint.

Parties should be prepared to discuss the status of settlement discussions at the PHC.

The parties are each further directed to file a PHC statement to be served on the assigned Commissioner, ALJ Maloney, and all parties. The PHC statements shall be filed and served no later than September 23, 2002. The parties may present a joint PHC statement, or individual statements. Service on ALJ Maloney shall be made by fax at the following number: (760) 647-0055.

PHC statements shall address the following:

1. The status of Case 125188 and Case 124951 before the Superior Court for the County of Butte, California, wherein Del Oro Water Company is named as a defendant.
2. Identification of the issues to be resolved in this proceeding.
3. Whether hearings are required in this proceeding, and if yes, on what issues hearings are required.
4. Identification of material facts necessary to prove each cause of action and affirmative defense. (Parties need only provide information regarding the causes of action or affirmative defenses they assert.)
5. The relevant issues that were decided in Decision 02-01-014 to which the doctrine of collateral estoppel applies.
6. Identification of relevant facts that are not in dispute. Parties are directed to meet and confer to discuss this issue prior to preparation of PHC statements.
7. The need for discovery and estimates of time required to complete discovery.
8. The parties shall meet and confer to discuss a proposed schedule for hearings if either party believes that hearings are necessary. The

proposed schedule shall provide for submission of the case no later than January 15, 2003. The proposed schedule shall include the following: a schedule for service of written testimony; an estimate of time required for hearings; a proposed briefing schedule; all other scheduling matters which must be included in an Assigned Commissioner's scoping memo, as required by Rule 6.3 of the Commission's Rules of Practice and Procedure. (See Chapter 1, Division 1 of Title 20 of the California Code of Regulations.) The rules are available through the Administrative Law Judge Division link on the Commission's internet web page at www.cpuc.ca.gov.

Parties desiring an expedited transcript of the PHC should advise the Chief Hearing Reporter by telephone at (415) 703-2288, no later than three days prior to the PHC.

If you have questions about the hearing date, time, or place, call the Calendar Clerk at (415) 703-1203.

IT IS RULED that:

1. A prehearing conference (PHC) will be held on the date, time, and place indicated herein.
2. Prior to the PHC, the parties shall meet and confer as directed above.
3. PHC statements addressing the issues outlined in detail in the body of this ruling shall be filed and served, and copies shall be delivered to the assigned administrative law judge in the manner directed in this ruling. PHC statements shall be filed and served no later than September 23, 2002.
4. The parties are directed to be prepared to discuss at the PHC, the scheduling matters which must be included in an Assigned

Commissioner's scoping memo. If either party believes that hearings are required, the parties are directed to jointly develop a schedule for hearings that provides for submission of the case no later than January 15, 2003.

Dated August 1, 2002, at San Francisco, California.

/s/ KATHLEEN MALONEY by s.k.

Kathleen Maloney
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling and Notice of Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated August 1, 2002, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.